

FILED: July 21, 2016

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-9941
(3:04-cr-00259-HEH-14)

In re: OMAR DALEY, a/k/a Romeo

Movant.

O R D E R

Omar Daley has filed a motion pursuant to 28 U.S.C. §§ 2244(b), 2255(h)(2) (2012) for authorization to file a second or successive 28 U.S.C. § 2255 (2012) motion. In support of his application, Daley relies on the Supreme Court's decision in Johnson v. United States, 135 S. Ct. 2551 (2015) (declaring the residual clause of the Armed Career Criminal Act, 18 U.S.C. § 924(e) (2012) (ACCA), unconstitutionally vague), which has been held to apply retroactively to cases on collateral review, Welch v. United States, 136 S. Ct. 1257 (2016).

Our review of the relevant materials convinces us that Daley fails to make the prima facie showing necessary to receive the requested authorization. See 28 U.S.C. §§ 2244(b)(3)(C); 2255(h)(2); In re Vassell, 751 F.3d 267, 269-71 (4th Cir. 2014). Specifically, Daley was neither sentenced pursuant to the ACCA nor

was the computation of his Sentencing Guidelines range affected by a prior conviction that was designated a crime of violence. Because Johnson thus has no bearing on this case, we deny Daley's application for authorization.

Entered at the direction of Judge King, Judge Shedd, and Judge Floyd.

For the Court

/s/ Patricia S. Connor, Clerk